

4596. Muscle-Aid. (Inj. No. 258.)

PETITION FILED: On 4-12-54, in the S. Dist. Calif., the United States Attorney filed a petition for an order to show cause why Herman H. Kronberg, doing business under the name of Muscle-Aid Co., Los Angeles, Calif., should not be punished for criminal contempt of the permanent injunction which had been entered against him on 1-6-53 (notice of judgment on drugs and devices, No. 4046).

CHARGE: The petition alleged that, following the entry of the injunction, the defendant engaged in a nationwide distribution of a drug which he marketed under the name of *Muscle-Aid* and offered to the public as effective in the treatment of six of the prohibited conditions listed in the injunction, namely, arthritis, rheumatism, neuralgia, sciatica, sprains, and bruises; that *Muscle-Aid* was identical in composition with Muscle-Rub, the specific product involved in the original injunction proceeding, except that 1-oz. of turpentine per gallon was added to the Muscle-Rub formula to produce *Muscle-Aid*; that the limited therapeutic properties of each article were essentially the same; and that the articles were "similar" as that term was used in the injunction.

The petition further alleged that the defendant had caused interstate shipments of *Muscle-Aid* to be made from Los Angeles, Calif., to Hanover, Pa., and Birmingham, Ala., on 10-1-53 and 10-12-53; that, when so shipped, the article was misbranded under 502 (a) in that its labeling, when read in the light of the promotional setting, created the false and misleading impression in the mind of the prospective purchaser that the article was efficacious for the relief and cure of pains due to arthritis, rheumatism, neuralgia, sciatica, sprains, and bruises; and, that by reason of the shipments, the defendant was in criminal contempt of the permanent injunction.

DISPOSITION: On 4-12-54, the order to show cause was issued, and on 6-21-54, the defendant pleaded guilty to violation of the injunction. On 7-12-54, the court suspended sentence and placed the defendant on probation for 5 years on condition (1) that he pay to the Government \$1,000 in such manner and in such amounts as the probation officer should prescribe; (2) that he should not engage in any business under the jurisdiction of the Food and Drug Administration, except with the expressed written permission of the probation officer; and, (3) that during the period of probation, the defendant should not violate any of the laws of the United States or of the State of California.

4597. Muscle-Aid. (F. D. C. No. 36185. S. No. 83-392 L.)

QUANTITY: 86 doz. 3-oz. btls. and 20 doz. 8-oz. btls. at Madison, Wis.

SHIPPED: Between 3-25-53 and 4-27-53, from Los Angeles, Calif., by Muscle-Aid Co.

LABEL IN PART: (Btl.) "Muscle-Aid Use as an aid in the Relief of Pain and discomfort from Rheumatism, Arthritis, Neuralgia, Sciatica, & Sprains, Sore Muscles * * * Contents: Isopropyl Alcohol . . . 75% Ethyl Alcohol . . . 1.8% Methyl Salicylate, Camphor, Oil of Turpentine, Menthol & Fld. Ext. Hamamelis."

ACCOMPANYING LABELING: Leaflet entitled "Muscle-Aid."

RESULTS OF INVESTIGATION: To establish a setting in which the labeling statements would be read by the consumer, the shipper caused to be supplied advertising mats for advertising in a Madison, Wis. newspaper. These mats pictured for contrast a gnarled, deformed hand of a person suffering from arthritis

deformans and a hand in normal condition, and contained the statement in bold type "Rheumatism, Arthritis Pains Relieved in a few minutes with Doctor's External Prescription," followed by various statements and testimonials with respect to the use of the article in various diseases and conditions.

LIBELED: 12-10-53 W. Dist. Wis.

CHARGE: 502 (a)—the labeling of the article when shipped was false and misleading because, when read in the light of the setting in which it was intended to be read, it conveyed to the public a meaning which represented and suggested that the article was more than a palliative relief for simple muscular pains and that it was an adequate and effective treatment for arthritis, rheumatism, neuralgia, sciatica, sprains, and bruises, whereas the article was not an adequate and effective treatment for arthritis, rheumatism, neuralgia, sciatica, sprains, and bruises.

DISPOSITION: 12-2-54. Default—destruction.

4598. B-amino-complex tablets. (F. D. C. No. 34608. S. Nos. 9-368/9 L.)

QUANTITY: 772 100-tablet btls. at Chicago, Ill.

SHIPPED: Between 6-26-52 and 7-12-52, from New York, N. Y., by Unitone Corp.

LABEL IN PART: (Btl.) "100 Tablets B-Amino-Complex (or B-Amino BAC-Complex) A brand of amino acids, coenzymes, vitamins and minerals Daily dose of 6 tablets contains: Vitamin B₁ (Thiamine Hydrochloride) 18.0 mg. Vitamin B₂ (Riboflavin) 27.0 mg. Niacinamide 180.0 mg. Vitamin B₆ (Pyridoxine Hydrochloride) 3.0 mg."

ACCOMPANYING LABELING: Display cartons marked "BAC"; leaflets headed "If Your Body Could Talk It Would Say"; placards entitled "For The One In Five Who Is Hard Of Hearing"; and folders entitled "A Revolutionary Advance In Nutrition."

LIBELED: 1-19-53, N. Dist. Ill.

CHARGE: 502 (a)—the labeling of the article when shipped contained false and misleading representations that the article was an adequate and effective treatment for deafness and irritability; that it would supply energy to the heart, lungs, muscles, liver, and other important organs; that it would supply missing enzymes necessary to carry on body functions, such as growth, reproduction, secretion, nerve condition, and muscular contraction; that it would stimulate the body to work as nature intended; that it would endow the user with vibrant life, health, and energy; that it would enable the liver to convert more than normal amounts of carbohydrates into energy; that it would transfer fatigue to quick energy; that it would prevent and correct disfunction in the energy conversion chemistry of body functioning; that it would reactivate all enzymes systems necessary for healthy body functioning; that it would activate the body cells to function as nature intended; and that it would supply needs that are missing from the food one eats.

The article was alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: 8-14-53. Default—destruction.

4599. Polorator device. (F. D. C. No. 35584. S. Nos. 33-208 L, 58-891 L, 58-898 L.)

INFORMATION FILED: 10-27-54, W. Dist. Mich., against Edwin M. Vogt, t/a Vogt Health Appliance Co., Kalamazoo, Mich.